

AMENDED IN SENATE MARCH 28, 2000

SENATE BILL

No. 1594

Introduced by Senator Kelley

February 18, 2000

~~An act to amend Section 52 of the Metropolitan Water District Act (Chapter 209 of the Statutes of 1969), relating to~~
An act to amend Section 52 of, to amend and repeal Sections 55, 56, and 64 of, to amend, repeal, and add Sections 4, 53, 54, and 60 of, amend, repeal, add and repeal Section 51 of, to add Section 52.2, and to repeal Section 52 of, the Metropolitan Water District Act (Chapter 209 of the Statutes of 1969), relating to metropolitan water districts.

LEGISLATIVE COUNSEL'S DIGEST

SB 1594, as amended, Kelley. Metropolitan water districts.

(1) The Metropolitan Water District Act requires the board of a metropolitan water district to consist of at least one representative from each member public agency that, at the option of that agency, is appointed by the chief executive officer of that agency with the approval of the governing body of that agency or selected by a majority vote of the governing body of that agency. The act, until January 1, 2001, authorizes a member public agency to appoint other representatives, not exceeding one additional representative for each 3% of the assessed valuation of property taxable for district purposes within the entire district that is within that agency. The act authorizes each member of the board to cast one vote for each \$10,000,000 of assessed valuation of property, as specified, on each matter before the board.

This bill would repeal those provisions on January 15, 2001. The bill would require the board, on and after that date and until December 31, 2002, to consist of the presiding officers of the legislative bodies of the member public agencies. The bill would require the board, on and after December 31, 2002, to consist of 13 members to be elected, by division, to the board at statewide general elections. The bill would require the first elected board to be elected at the statewide general election in November 2002, 7 of whom would be chosen by the board, by lot, to serve 4-year terms and 6 of whom would be chosen by the board, by lot, to serve 2-year terms. Thereafter, the bill would require board members to be elected to 4-year terms.

The bill would allow the board members to cast one vote on each matter before the board. The bill would require the board members to receive compensation equal to that received by the board members of the State Board of Equalization and would provide for their reimbursement for reasonable expenses incurred in the performance of duties. The bill would require the district to provide each elected board member with an office, as prescribed. The bill would authorize the board members to employ an administrative assistant.

The bill would make additional conforming changes.

By imposing requirements on a metropolitan water district, as well as other local public agencies, the bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

~~Under the Metropolitan Water District Act, the board of a metropolitan water district is required to consist of at least one representative from each member public agency, as prescribed. The act authorizes each member public agency to appoint additional representatives not exceeding one additional representative for each 3% of the assessed valuation of property taxable for district purposes within the entire district that is within the boundaries of that member~~

public agency. These provisions are to be repealed on January 1, 2001.

~~This bill would delete the January 1, 2001, repeal date, thereby continuing those provisions beyond that date.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.
State-mandated local program: ~~no~~ yes.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 52 of the Metropolitan Water~~
2 ~~SECTION 1. Section 4 of the Metropolitan Water~~
3 ~~District Act (Chapter 209 of the Statutes of 1969) is~~
4 ~~amended to read:~~
5 ~~Sec. 4. (a) "Board" and "board of directors" means~~
6 ~~the directors appointed pursuant to Chapter 1~~
7 ~~(commencing with Section 50) of Part 3 of this act.~~
8 ~~(b) This section shall remain in effect only until~~
9 ~~January 15, 2001, and as of that date is repealed, unless a~~
10 ~~later enacted statute, that is enacted before January 15,~~
11 ~~2001, deletes or extends that date.~~
12 ~~SEC. 2. Section 4 is added to the Metropolitan Water~~
13 ~~District Act (Chapter 209 of the Statutes of 1969), to read:~~
14 ~~Sec. 4. (a) "Board" and "board of directors" means~~
15 ~~the directors selected pursuant to Chapter 1~~
16 ~~(commencing with Section 50) of Part 3 of this act.~~
17 ~~(b) This section shall become operative on January 15,~~
18 ~~2001.~~
19 ~~SEC. 3. Section 51 of the Metropolitan Water District~~
20 ~~Act (Chapter 209 of the Statutes of 1969) is amended to~~
21 ~~read:~~
22 ~~Sec. 51. (a) The board shall consist of at least one~~
23 ~~representative from each member public agency. The~~
24 ~~representatives shall serve without compensation from~~
25 ~~the district. They shall, at the option of the agency, either~~
26 ~~be designated and appointed by the chief executive~~
27 ~~officer of the member public agency with the consent and~~
28 ~~approval of the governing body of the agency or be~~
29 ~~selected by a majority vote of the governing body of the~~
30 ~~agency.~~

1 (b) This section shall remain in effect only until
2 January 15, 2001, and as of that date is repealed, unless a
3 later enacted statute, that is enacted before January 15,
4 2001, deletes or extends that date.

5 SEC. 4. Section 51 is added to the Metropolitan Water
6 District Act (Chapter 209 of the Statutes of 1969), to read:

7 Sec. 51. (a) On and after January 15, 2001, the board
8 shall consist of 27 members, who shall be the presiding
9 officers of the legislative bodies of the member public
10 agencies.

11 (b) This section shall become operative on January 15,
12 2001.

13 (c) This section shall remain in effect only until
14 December 31, 2002, and as of that date is repealed, unless
15 a later enacted statute that is enacted before December
16 31, 2002, deletes or extends that date.

17 SEC. 5. Section 52 of the Metropolitan Water District
18 Act (Chapter 209 of the Statutes of 1969), as amended by
19 Section 1 of Chapter 781 of the Statutes of 1998, is
20 amended to read:

21 Sec. 52. (a) In addition to one representative, any
22 member public agency may designate and appoint
23 several representatives not exceeding one additional
24 representative for each full 3 percent of the assessed
25 valuation of property taxable for district purposes within
26 the entire district that is within such member public
27 agency, in which event all such representatives present
28 at a meeting of the board of directors when a vote is taken
29 shall cast, or may abstain from casting, an equal share of
30 the total vote to which such member public agency is
31 entitled.

32 (b) This section shall remain in effect only until
33 January ~~1, 2001~~ 15, 2001, and as of that date is repealed,
34 unless a later enacted statute, that is enacted before
35 January ~~1, 2001~~ 15, 2001, deletes or extends that date.

36 SEC. 6. Section 52 of the Metropolitan Water District
37 Act (Chapter 209 of the Statutes of 1969), as added by
38 Section 2 of Chapter 781 of the Statutes of 1998, is
39 repealed:

~~Sec. 52. (a) In addition to one representative, any member public agency may designate and appoint several representatives not exceeding one additional representative for each full 5 percent of the assessed valuation of property taxable for district purposes within the entire district that is within such member public agency, in which event all such representatives present at a meeting of the board of directors when a vote is taken shall cast, or may abstain from casting, an equal share of the total vote to which such member public agency is entitled.~~

~~(b) This section shall become operative on January 1, 2001.~~

SEC. 7. Section 52.2 is added to the Metropolitan Water District Act (Chapter 209 of the Statutes of 1969), to read:

Sec. 52.2. (a) On or before November 1, 2001, the board shall divide the district into 13 divisions. The board shall assign a number to each division. Using the last decennial federal census as a basis, the divisions shall be as nearly equal in population as possible. In establishing the boundaries of the divisions, the board may give consideration to the following factors:

(1) Topography.

(2) Geography.

(3) Cohesiveness, contiguity, integrity, and compactness of territory.

(4) Community of interests of the divisions.

(b) The board shall adjust the boundaries of the divisions before November 1 of the year following the year in which each decennial federal census is taken. If the board determines that the population of any division has varied so that the divisions no longer meet the requirements in subdivision (a), the board shall adjust the boundaries of the divisions to meet those requirements.

(c) On and after December 31, 2002, the board shall consist of 13 members who are elected in accordance with this section. The board members shall be elected by divisions of equal population within the boundaries of the district. Each board member shall be a registered voter

1 *in the division in which the board member is elected from*
2 *the time the nomination papers are issued to the*
3 *candidate.*

4 *(d) At the statewide general election in November*
5 *2002, 13 members shall be elected to the board of a*
6 *district, seven of whom shall be chosen by the board, by*
7 *lot, to serve four-year terms and six of whom shall be*
8 *chosen by the board, by lot, to serve two-year terms.*

9 *(e) Thereafter, board members shall be elected at the*
10 *statewide general election and shall serve four-year*
11 *terms.*

12 *(f) Any vacancy in the office of an elected member*
13 *shall be filled pursuant to Section 1780 of the Government*
14 *Code.*

15 *(g) A district is subject to the Uniform District*
16 *Election Law (Part 4 (commencing with Section 10500)*
17 *of Division 10 of the Elections Code).*

18 *(h) This section shall become operative on January, 15,*
19 *2001.*

20 *SEC. 8. Section 53 of the Metropolitan Water District*
21 *Act (Chapter 209 of the Statutes of 1969) is amended to*
22 *read:*

23 *Sec. 53. (a) No incumbent representative shall be*
24 *deprived of his or her office by reason of an increase in*
25 *the amount of the assessed valuation required to*
26 *authorize the designation and appointment of additional*
27 *representatives, nor by reason of any decrease in the*
28 *assessed valuation of the member public agency which he*
29 *or she represents occurring after his or her assumption of*
30 *office.*

31 *(b) This section shall remain in effect only until*
32 *January 15, 2001, and as of that date is repealed, unless a*
33 *later enacted statute, that is enacted before January 15,*
34 *2001, deletes or extends that date.*

35 *SEC. 9. Section 53 is added to the Metropolitan Water*
36 *District Act (Chapter 209 of the Statutes of 1969), to read:*

37 *Sec. 53. (a) Each member of the board may cast one*
38 *vote on each question, order, resolution, or ordinance*
39 *coming before the board.*

(b) This section shall become operative on January 15, 2001.

SEC. 10. Section 54 of the Metropolitan Water District Act (Chapter 209 of the Statutes of 1969) is amended to read:

Sec. 54. In lieu of the appointment of members to the board pursuant to ~~Sections~~ Section 51 or 52 for an indefinite term at the pleasure of the appointing power, a member public agency may by ordinance provide that each representative of that member public agency shall serve for a term of four years commencing on the first day of January of an odd-numbered year, and thereafter (1) until the expiration of his *or her* term, or (2) until his *or her* successor has been appointed and qualified, in accordance with the following provisions:

(a) The term of office of an incumbent representative of a member public agency with only one representative on the board on the effective date of ~~such~~ the ordinance shall expire on the next succeeding 31st day of December of an even-numbered year following ~~such~~ the effective date, or thereafter when his *or her* successor has been appointed and qualified.

(b) The appointing power of a member public agency ~~which~~ that has more than one representative on the board shall designate the term of each ~~such~~ representative so that to the extent possible the term of an equal number of directors will expire on the next succeeding 31st day of December of an even-numbered year following the effective date of ~~such~~ the ordinance and on the 31st day of December of the next succeeding even-numbered year, or thereafter when their successors have been appointed and qualified.

(c) A person appointed to fill a vacancy shall hold office for the unexpired term of his *or her* predecessor.

(d) Any director so appointed for a specified term may be removed by the appointing power for cause.

(e) The repeal of ~~such~~ the ordinance shall not affect the term of an incumbent representative appointed pursuant to such ordinance.

1 (f) *This section shall remain in effect only until*
2 *January 15, 2001, and as of that date is repealed, unless a*
3 *later enacted statute, that is enacted before January 15,*
4 *2001, deletes or extends that date.*

5 SEC. 11. *Section 54 is added to the Metropolitan*
6 *Water District Act (Chapter 209 of the Statutes of 1969),*
7 *to read:*

8 Sec. 54. (a) *The board members shall receive*
9 *compensation equal to that received by the board*
10 *members of the State Board of Equalization.*

11 (b) *Each board member may receive reimbursement*
12 *for the actual, necessary, and reasonable expenses*
13 *incurred in the performance of duties required or*
14 *authorized by the board.*

15 (c) *The district shall provide each elected board*
16 *member with an office in the division from which the*
17 *board member was elected. Each board member may*
18 *employ an administrative assistant.*

19 (d) *This section shall become operative on January 15,*
20 *2001.*

21 SEC. 12. *Section 55 of the Metropolitan Water*
22 *District Act (Chapter 209 of the Statutes of 1969) is*
23 *amended to read:*

24 Sec. 55. (a) *Each member of the board shall be*
25 *entitled to vote on all questions, orders, resolutions, and*
26 *ordinances coming before the board, and shall be entitled*
27 *to cast one vote for each ten million dollars (\$10,000,000),*
28 *or major fractional part thereof, of assessed valuation of*
29 *property taxable for district purposes in the member*
30 *public agency represented by him as shown by the*
31 *assessment records of the county and evidenced by the*
32 *certificate of the county auditor. However, each member*
33 *of the board shall have at least one vote but, no member*
34 *public agency shall have votes exceeding in number the*
35 *total number of votes of all other member public*
36 *agencies. As used in this section, "major fractional part"*
37 *means a fractional part larger than one-half.*

38 (b) *This section shall remain in effect only until*
39 *January 15, 2001, and as of that date is repealed, unless a*

1 *later enacted statute, that is enacted before January 15,*
2 *2001, deletes or extends that date.*

3 *SEC. 13. Section 56 of the Metropolitan Water*
4 *District Act (Chapter 209 of the Statutes of 1969) is*
5 *amended to read:*

6 *Sec. 56. (a) Any member of a governing body of a*
7 *member public agency may be appointed by that agency*
8 *to the board of a district to serve as the agency's*
9 *representative, except that in the case of agencies with*
10 *several —~~such~~ representatives a majority of the members*
11 *of the governing body of that agency may not be so*
12 *appointed by that agency to serve as representatives on*
13 *the board of the district. Any director holding ~~such~~ dual*
14 *offices shall not vote upon any contract between a district*
15 *and the member public agency he or she represents on*
16 *the district's board.*

17 *(b) This section shall remain in effect only until*
18 *January 15, 2001, and as of that date is repealed, unless a*
19 *later enacted statute, that is enacted before January 15,*
20 *2001, deletes or extends that date.*

21 *SEC. 14. Section 60 of the Metropolitan Water*
22 *District Act (Chapter 209 of the Statutes of 1969) is*
23 *amended to read:*

24 *Sec. 60. (a) Every member of the board of a district*
25 *formed pursuant to this act shall be subject to recall by the*
26 *voters of the public agency from which ~~such~~ the member*
27 *is appointed in accordance with the recall provisions*
28 *applicable to such public agency.*

29 *(b) This section shall remain in effect only until*
30 *January 15, 2001, and as of that date is repealed, unless a*
31 *later enacted statute, that is enacted before January 15,*
32 *2001, deletes or extends that date.*

33 *SEC. 15. Section 60 is added to the Metropolitan*
34 *Water District Act (Chapter 209 of the Statutes of 1969),*
35 *to read:*

36 *Sec. 60. (a) Every member of the board of a district*
37 *is subject to recall by the voters of the electoral district by*
38 *which the board member is elected pursuant to Division*
39 *11 (commencing with Section 11000) of the Elections*
40 *Code.*

1 (b) This section shall become operative on January 15,
2 2001.

3 SEC. 16. Section 64 of the Metropolitan Water
4 District Act (Chapter 209 of the Statutes of 1969) is
5 amended to read:

6 Sec. 64. (a) No ordinance shall be adopted unless it
7 shall have been introduced on a day previous to the time
8 of ~~such~~ the adoption or unless it is adopted by unanimous
9 vote of all the members of the board present and there
10 are directors present from not less than three-fourths of
11 all the member public agencies who represent not less
12 than three-fourths of the total vote of the board. In lieu
13 of ~~such~~ a previous introduction or unanimous vote any
14 ordinance may be mailed by registered mail, postage
15 prepaid, to each member of the board at least five days
16 prior to the day upon which ~~such~~ the ordinance shall be
17 presented for adoption.

18 (b) This section shall remain in effect only until
19 January 15, 2001, and as of that date is repealed, unless a
20 later enacted statute, that is enacted before January 15,
21 2001, deletes or extends that date.

22 SEC. 17. No reimbursement is required by this act
23 pursuant to Section 6 of Article XIII B of the California
24 Constitution because a local agency or school district has
25 the authority to levy service charges, fees, or assessments
26 sufficient to pay for the program or level of service
27 mandated by this act, within the meaning of Section 17556
28 of the Government Code.

29 ~~District Act (Chapter 209 of the Statutes of 1969) is~~
30 ~~amended to read:~~

31 ~~Sec. 52. In addition to one representative, any~~
32 ~~member public agency may designate and appoint~~
33 ~~several representatives not exceeding one additional~~
34 ~~representative for each full 3 percent of the assessed~~
35 ~~valuation of property taxable for district purposes within~~
36 ~~the entire district that is within the member public~~
37 ~~agency, in which event all representatives present at a~~
38 ~~meeting of the board of directors when a vote is taken,~~
39 ~~shall cast or may abstain from casting an equal share of the~~

1 ~~total vote to which the member public agency is entitled.~~
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